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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,471	03/19/2001	Tsuyoshi Kondo	P7016.01106	8979

7590 10/04/2004

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
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EXAMINER

LAMB, TWYLER MARIE

ART UNIT PAPER NUMBER

2622

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,471

Applicant(s)

KONDO, TSUYOSHI

Examiner

Twyler M. Lamb

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


TWYLER LAMB
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Shimizu (US 6,323,958).

With regard to claim 1, Shimizu discloses an image processing apparatus for converting received drawing commands into an intermediate list which is exhibited by simple commands, which is then stored, and from which a page image is formed,

Art Unit: 2622

comprising an intermediate list format selecting means for selecting a format an intermediate list in accordance with the drawing commands, a polygon dividing means for dividing a pattern into polygons, a paint-over determining means for determining whether the interior of a polygon is a part to be painted-over or not, first intermediate list creating means for creating an intermediate list containing polygon data, second intermediate creating means for creating an intermediate list containing line data as width or bit map data, an intermediate list storing means for storing the intermediate lists, and a printing means for creating a raster image from the intermediate lists stored in the intermediate storing means in response to printing instructions, and printing the image (col 5, line 46 – col 11, line 33).

With regard to claim 2, Shimizu discloses an image processing apparatus for converting received drawing commands into an intermediate list which is exhibited by simple commands, which then stored, and from which a page image formed, comprising an intermediate list format selecting means for selecting format of an intermediate list in accordance with the drawing commands, polygon dividing means for dividing a pattern into polygons, a paint-over determining means for determining whether the interior of a polygon is a part to be painted-over or not, trapezoid dividing means for dividing a polygon into group of trapezoids, a first intermediate list creating means for creating an intermediate list containing trapezoid data, a second intermediate list creating means for creating an intermediate list containing line data as a width or map data, an intermediate list storing means storing the intermediate lists, and a printing means for creating an raster image from the intermediate lists stored in the

Art Unit: 2622

intermediate list storing means in response to printing instructions image (col 5, line 46 – col 11, line 33).

With regard to claim 3, Shimizu discloses an image processing apparatus for converting received drawing commands into an intermediate list which is exhibited by simple commands, which is then stored, and from which a page image is formed, comprising an intermediate list format selecting means for selecting a format of an intermediate accordance the drawing commands, a trapezoid dividing means dividing a polygon into a group of trapezoids, first intermediate list creating means for creating an intermediate list containing trapezoid data, a second intermediate list creating means for creating an intermediate list containing line data as a width map data, an intermediate storing means printing means for creating a raster image from the intermediate lists stored in the intermediate list storing means in accordance with printing instructions and printing the image (col 5, line 46 – col 11, line 33).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler Lamb whose telephone number is 703 - 308-8823. The examiner can normally be reached on M-TH (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-308-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9314 for After Final communications.

Any response to this action should be mailed to:

Art Unit: 2622

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

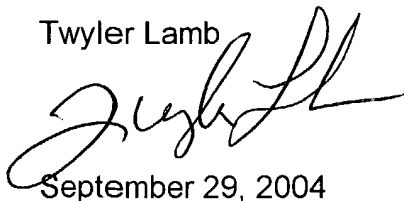
Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

Twyler Lamb

A handwritten signature in black ink, appearing to read 'Twyler Lamb', written over the printed name.

September 29, 2004